

STATE OF COLORADO

Department of State

1700 Broadway
Suite 250
Denver, CO 80290



Mike Coffman

Secretary of State

William A. Hobbs

Deputy Secretary of State

March 13, 2008

VIA E-MAIL AND US MAIL

Mr. Don Vopalensky
State Certification Manager
Premier Election Solutions (formerly Diebold Election Systems, Inc.)
P.O. Box 1019
Allen, TX 75013

Re: Colorado Voting System

Dear Mr. Vopalensky:

The Premier Election Solutions (Premier) voting system was submitted to the Colorado Secretary of State for testing and consideration for certification for use in Colorado elections. On December 17, 2007, I notified you of the conditional certification of the Software, GEMS, Version Number 1.18.24; Precinct Optical Scanner, Accuvote OS Model "D", Version Number 1.96.6; Central Count Optical Scanner, Accuvote OS Model "D", Version Number 2.0.12; DRE, TSx-C and TSx-D, Version Number 4.6.4; and VC Programmer (4.6.1), Voter Card Encoder (1.3.2), and Key Card Tool (4.6.1).

On February 11, 2008, Governor Bill Ritter signed House Bill 08-1155 into law. This legislation extends my authority over the 2007 testing process and allows for additional testing and communication with the vendors and the counties. The legislation authorizes me to amend or rescind any of the orders I issued on December 17, 2007 decertifying a voting system if I re-test the system or otherwise demonstrate that the major deficiencies identified in my December 17 order have been resolved or mitigated. In deciding to amend or rescind an order, the legislation requires me to consider county accuracy and security procedures, audits, processing functions, and other relevant procedures in accordance with the laws and rules governing the conduct of elections.

Upon listening to public testimony on March 6, 2008, regarding the Conditions for Use (Conditions) imposed on voting systems certified for use in the State of Colorado; I am proposing changes to the previously issued Conditions. The following information details the changes or removal of Conditions:

Software Conditions (GEMS 1-18-24)

Condition 1c - System/database/network security hardening

Option #1 - The timeframe for conducting the requirements has been changed from election night to the period during the post-election audit.

Option #2 – The timeframe for conducting the requirements has been changed from election night to the period of time between the close of polls through the canvass period.

Condition 2 – Ballot-On-Demand Restriction

Counties may use the software so long as a log indicating the number of ballots printed, used and not used by the in-house printing function is maintained.

Condition 3 – Audit Trail Information

The Condition provides clarity on a variety of methods available for gathering audit information.

Precinct Count Scanner Conditions (1.96.6)

Condition 2 – External Battery Backup (UPS) Devices Required

The Condition has been removed. The device performed for 2 hours and 46 minutes which is substantially compliant with the 3 hour requirement set forth in Secretary of State Election Rules rule 45.

Condition 3 – Device Security Accessibility

The Condition has been amended to allow for an additional person to have administrative rights on the device.

The Condition is now represented as Condition 2 in the Draft Conditions for Use.

Condition 4 – Ballot/Race Conditions Simulation

The Condition has been changed from ordering a complete set of at least 5 ballots of each style to 4 ballots of each style.

Central Count Scanner Conditions (Ballot Now/Scanners)

Condition 3 – External Power Supply

The requirement for a UPS back-up or battery back-up has been replaced by the ability to use any external power supply as a back-up in the event of a power failure.

Condition 4 – Audit Trail Information

The audits requirements were amended pursuant to the recommendations of the American National Standards Institute (ANSI). The requirement is based on the number of ballots cast in a county and limits the audit to the device and race chosen by the Secretary of State's office as part of the post-election audit procedure.

The Condition is now represented as Condition 3 in the Draft Conditions for Use.

DRE Conditions (TSx 4.6.4 – C and D Models)

Condition 1 – External Power Supply

The requirement for a UPS back-up or battery back-up has been replaced by the ability to use any external power supply as a back-up in the event of a power failure.

Condition 3 – Accessible Distances

The Condition has been amended to allow for the use of a “reach stick” or a side approach to the DRE be used to satisfy accessibility requirements.

The Condition is now represented as Condition 2 in the Draft Conditions for Use.

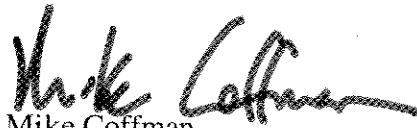
Condition 5 – Additional Privacy Screen Required

The Condition has been changed to allow for the use of a polarized privacy screen.

The Condition is now represented as Condition 4 in the Draft Conditions for Use.

The proposed Conditions are being submitted as a draft to all counties using the Premier voting system for public comment. For the Conditions associated with the components or software listed above, please review the “Premier Draft Conditions for Use”, which is posted on the Secretary of State’s web site. The Conditions are not yet finalized and additional comments on proposed changes will be considered prior to the Conditions being finalized. Please submit written comments by 5 p.m. on March 18, 2008 to Stephanie Cegielski at stephanie.cegielski@sos.state.co.us.

Sincerely,



Mike Coffman
Secretary of State

cc: County Clerk and Recorders of counties using Premier voting systems:
Karen Long, Clerk and Recorder, Adams County
Melanie Woodward, Alamosa County
June Madrid, Clerk and Recorder, Archuleta County
Russ Ragsdale, Clerk and Recorder, Broomfield County
Ann B. Eddins, Clerk and Recorder, Delta County
Robert C. Balink, Clerk and Recorder, El Paso County
Linda Daley, Clerk and Recorder, La Plata County
Scott Doyle, Clerk and Recorder, Larimer County
Carol Tullis, Clerk and Recorder, Montezuma County
Eryn Follman, Clerk and Recorder, Mineral County
Janice K. Vos Caudill, Clerk and Recorder, Pitkin County
Melinda Myers, Clerk and Recorder, Saguache County
Patricia Crowson, Clerk and Recorder, Teller County
Steve Moreno, Clerk and Recorder, Weld County